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Montserrat

Working paper prepared by the Secretariat

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I. General

1. Montserrat is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory was named after a Spanish monastery by Christopher Columbus on his second voyage to the island in 1493. In 1632, the island became a British colony. Its first settlers were largely Irish. Sugar production dominated the island's economy during the seventeenth and eighteenth centuries. Slaves who worked the cotton and sugar plantations were unsuccessful in historic uprisings in the late 1700s. Slavery was abolished in 1834. Meanwhile, after two brief occupations by France, British rule resumed in 1783 and Montserrat became a British Crown Colony in 1871. From 1871 to 1958, Montserrat was administered as part of the Federal Colony of the Leeward Islands, and from 1958 to 1962, it formed part of the Federation of the West Indies. Following the dissolution of the Federation in 1962, Montserrat elected to retain its status as a Crown Colony.

2. Montserrat is situated in the Leeward Islands in the eastern Caribbean, 43 kilometres south-west of Antigua and 64 kilometres north-west of Guadeloupe.

3. The island covers an area of 103 square kilometres. Montserrat is volcanic and very mountainous, with a rugged coastline. There are three mountain ranges: Silver Hills in the north, Centre Hills and the Soufrière Hills in the south. There are hot springs, ravines, black sand beaches and a white sand beach in the north. The vegetation is tropical.

4. In July 1995, the Soufrière Hills volcano, dormant for more than 400 years, erupted with devastating effects and caused the relocation of residents and the evacuation of about 70 per cent of the population from the southern part of the island to the north. The effects of that eruption are still being strongly felt. Montserrat's capital, Plymouth, was abandoned in 1997 after the volcanic activity rendered it uninhabitable. A new town is being developed at Little Bay in the north.[1]

5. The population of the Territory, which reached a peak of 14,333 in 1946, fell after the devastating volcanic eruption in 1995. In 2007, the population was estimated at 5,000,[2] compared to 4,493 in 2001, 10,639 in 1991 and 11,606 in 1980. The overall decline since 1995 in the population figures was attributed to a relocation programme instituted by the territorial and United Kingdom Governments as a means of solving social and economic problems brought on by volcanic activity, and the relocation of residents. The highest proportion of emigrants was from those under 30 years of age.

Note: The information contained in the present working paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

[1] www.caribbeannetnews.com, 16 February 2008.

[2] Ibid., 25 July 2007.

II. Constitutional, political and legal issues

6. Under the Montserrat Constitution Order 1989, which came into force in February 1990, Montserrat has a Governor appointed by the British monarch, an Executive Council, and a Legislative Council.

7. The current Governor of Montserrat, Peter Waterworth, took office in July 2007.[3] The Governor retains responsibility for internal security (including police), external affairs, defence, public service and offshore finance. The territorial Government has asked the United Kingdom to support its request for the appointment of Montserrat's first indigenous Deputy Governor, one of a number of suggested constitutional recommendations that are elaborated on below. Until the details are finalized, a Chief Executive Officer has been appointed in the interim, tasked with ensuring management and reform of the public service.[3]

8. Further, under the Constitution, the British monarch reserves the power, with the advice of the Privy Council, to make laws for the peace, order and good government of Montserrat.

9. The Executive Council currently comprises four Ministers (two men and two women), as well as the Attorney General and a Financial Secretary. It is presided over by the Governor and has responsibility for the general control and direction of government.[4]

10. The Legislative Council consists of nine members. Following elections in 2006, there are three female members (two are Ministers, and the third is the Leader of the Opposition) along with six male members.

11. Elections are held in Montserrat every five years on the basis of universal adult suffrage. The last elections were held on 31 May 2006, using a single-constituency "first past the post" arrangement. According to the administering Power, 3,331 voters were registered and 2,486 votes were cast: a 77 per cent voter turnout (78 per cent in 2001). No party won a clear mandate, and a coalition Government headed by Chief Minister Lowell Lewis (Montserrat Democratic Party) was formed. Other coalition members are the New People's Liberation Movement (three) and one Independent. The opposition holds four seats. The next elections are due in 2011.[5]

12. The law of Montserrat is English common law and locally enacted legislation. It is administered by a Magistrates Court and the Eastern Caribbean Supreme Court. The Eastern Caribbean Supreme Court (Court of Appeal) is an itinerant court established under the West Indies Associated States Supreme Court Order No. 223 of 1967, whose sittings rotate among the Court's nine member States of the Court, including Montserrat.[6] Cases handled by the Supreme Court have recourse of final appeal to the Judicial Committee of the Privy Council.

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[3] Information provided by the administering Power, 14 January 2008.

[4] www.opsi.gov.uk; Lowell Lewis, Uncorrected transcript of oral evidence, to be published as HC 147-i, House of Commons, minutes of evidence taken before the Foreign Affairs Committee, Overseas Territories, Monday 3 December 2007, http://www.publications.parliament.uk/pa/cm200708/cmselect/cmfaff/uc147-i/uc14702.htm.

[5] www.fco.gov.uk.

[6] http://eccourts.org/index.html.

13. The basis of the relationship between the Government of the United Kingdom and its Overseas Territories, including Montserrat, is set out in the White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories,"[7] which recognized that the constitutions of the Territories needed to be kept up to date.

14. A Constitutional Review Commission was set up in 2002 under the chairmanship of Sir Howard Fergus. In February 2003, the Governor was presented with the Commission's report, including recommendations for a number of changes to the Constitution. For instance, the report concluded that the proposed change from the imposition of the candidate by the United Kingdom to a more cooperative approach in choosing a Governor would have positive symbolic significance. That report was debated in the Legislative Council in April 2005.

15. The first round of talks between the territorial Government and the Foreign and Commonwealth Office took place in Montserrat in September 2005. A second round of discussions between Montserrat, involving all Legislative Council members, and a United Kingdom Government team took place in February 2006, followed by additional talks in 2006 and 2007. As was previously reported (see A/AC.109/2007/4), media reports indicated that, according to views expressed by a member of the Chief Minister's Constitutional Advisory Committee, the Territory's constitutional revision process did not completely reflect the aspirations and desires of Montserrat's public, which included calls for a dialogue on free association. Another round of negotiations is expected to be held in the course of 2008.[3]

16. Speaking on the subject before the United Kingdom House of Commons Foreign Affairs Committee on 3 December 2007 during the Committee's hearings on Overseas Territories, the Chief Minister informed the Foreign Affairs Committee that a conclusion to the constitutional negotiations might be reached towards the late summer of 2008. However, according to the Chief Minister, a number of outstanding issues remained, for instance on the powers of the Governor and the desire to introduce an advisory council to assist the Governor. According to the Chief Minister, those matters were under continued discussion.

17. In reply to a question on Montserrat's relationship with its Governor, the Chief Minister stated that Montserrat had enjoyed good personal relations with its Governors, but sometimes felt that the current system was "undemocratic" and even at times "humiliating". The Chief Minister cited an example of a situation where the Governor had used his gubernatorial powers to make a territorial Government appointment, ignoring the advice of the political directorate with consequences that the Chief Minister described as "disastrous". Arguing that the authority for the selection of appointments should not rest solely with the Governor, the Chief Minister stressed that it was important for Montserrat to move towards a situation where it had an executive public service commission to handle such matters, and that the Governor should be obliged to act on its advice.[8]

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[7] "Partnership for Progress and Prosperity: Britain and the Overseas Territories", White Paper submitted to the House of Commons on 17 March 1999, by the United Kingdom Secretary of State for Foreign and Commonwealth Affairs; reproduced in A/AC.109/1999/1, annex.

[8] Lowell Lewis, Uncorrected transcript of oral evidence to be published as HC 147-i, House of Commons, minutes of evidence taken before the Foreign Affairs Committee, Overseas Territories, Monday 3 December 2007, http://www.publications.parliament.uk/pa/cm200708/cmselect/cmfaff/uc147-i/uc14702.htm.

18. In March 2008, responding to inquiries from the public about the position of the territorial Government as regards constitutional reform and in an effort to keep the public informed of developments, the Chief Minister announced that the constitutional review process had been postponed until later in the year. According to the Chief Minister, the reason that a postponement had been requested by the territorial Government was that more time was needed. He further stated that ultimately he sought a "pre-independence constitution", emanating from the people of Montserrat themselves, which would allow the Territory to eventually become independent once economic conditions permitted. The Chief Minister went on to say that he would like to exercise the option of moving towards independence through a very simple mechanism, rather than by way of a complicated process. According to the Chief Minister, while Montserrat continued to contribute to the constitutional review exercise, the British Government accepted only "whatever they find suitable" for inclusion in the constitution order under discussion.[9]

19. Meanwhile, media reporting indicated that there was a growing realization that the only constitution Montserrat would be able to achieve was one that was based "not [on] free association, but independence". According to the reporting, this growing realization could be considered one of the reasons that progress in the review exercise was slow.[10]

III. Budget

20. Montserrat's public sector continues to be heavily dependent on budgetary support. Delivering the budget speech in March 2007,[11] the Chief Minister stated that the total budget for 2007 was EC$ 131.1 million,[12] with recurrent expenditure of EC$ 90 million and capital expenditure totalling EC$ 41.1 million. It was estimated that EC$ 51.4 million would be financed by the United Kingdom through budgetary support.[11]

21. As was previously reported (ibid.), during the period 2004-2007 the United Kingdom Department for International Development made 40 million pounds sterling (£) available to Montserrat. The Territory also benefits from various resources made available by the United Kingdom to its Overseas Territories to strengthen disaster management capacity, security and safety at port and airport facilities, capacity for law enforcement and prison management, environmental protection, development of the private sector and the promotion of human rights.

22. According to the administering Power, the ninth allocation of five-yearly funds under the European Development Fund (EDF) provided Montserrat with 11 million euros (€) in budgetary assistance. That figure was increased by €5.6 million in mid-2007. EDF focuses on the services sector, in particular on tourism and communication technologies services. In addition, the tenth allocation of EDF resources is under way, providing Montserrat with approximately €15 million.[3] Moreover, Montserrat stands to benefit from regional support such as the World

[9] www.caribbeannetnews.com, 3 March 2008.

[10] www.themontserratreporter.com, 15 February 2008.

[11] Chief Minister, 2007 Budget Statement, http://www.devunit.gov.ms/budget/2007/BUDGET_SPEECH_2007.pdf.

[12] Montserrat's currency is the Eastern Caribbean dollar (EC$), which is aligned with the United States dollar (US$) (EC$ 2.70).

Bank Caribbean-wide catastrophe insurance pool, which has US$ 47 million to assist the Caribbean, including Montserrat, in the event of a hurricane or earthquake.[13] Also, in 2007, the territorial Government participated fully in the regional programmes available both at the Organization of Eastern Caribbean States (OECS) and the Caribbean Community (CARICOM).[14]

23. In December 2007, the Chief Minister expressed the view that Montserrat needed a lot more assistance as it had lost 80 per cent of its essential infrastructure — for instance, the Territory did not have a port or a courthouse. The Chief Minister sought support for a parliament building in Montserrat.[8]

IV. Volcanic activity and the environment

24. Following the eruption of the Territory's volcano in 1995 after centuries of dormancy, in October 1996, the island was divided into a series of zones based on the scientists' evaluation of the risk to occupants of these areas. Subsequently, those zones were modified to create an exclusion zone comprising roughly the southern two thirds of the island. At the same time, recent volcanic activity has produced a wealth of ash, sand, pumice and aggregates that are mined and collected for domestic use and export when the level of volcanic activity is low.[3] During most of 2007, the Soufrière Hills volcano was in a state of pause and there has been no increase in dome growth since April 2007. The volcano alert level had previously been increased to level 4 (on a scale of 1 to 5) on 24 December 2006, in response to heightened volcanic activity.

25. In February 2007, evacuation alerts were issued for residents of Bishop Lane and an area south of Old Towne.[15] The evacuation orders were revoked in July 2007 following a marked decrease in activity. In the latter part of 2007, there remained a large mass of material on the dome, and scientists believe this to be a sign of a pause rather than a complete cessation of volcanic activity.[3]

26. In 2006 the territorial Government set up a Department of Environment and revised the National Environmental Management Plan with a view to addressing current environmental priorities, meet international environmental obligations and provide a supporting environmental framework to ensure the sustainable development of Montserrat. Moreover, in 2007, the territorial Government established an Environmental Advisory Board and was involved in the revision of environmental legislation, the revision of the national system of protected areas, the improvement of data collection and management to promote environmental decision-making, and the creation of a public education and community outreach programme on the environment.[11]

[13] United Press International, 27 February 2007.
[14] Chief Minister, 2007 Budget Statement; www.caricom.org.
[15] See www.fco.gov.uk, 8 February 2007; see www.giu.gov.ms.

V. Economic conditions

A. General

27. The gross domestic product (GDP) of Montserrat reached approximately EC$ 106.5 million and the per capita GDP was EC$ 22,800 in 2006, the most recent figures available.[16] Economic growth expanded by 3.2 per cent in the same year, compared to the revised growth rate of 1.6 per cent for 2005. The increase in economic activity was attributed to the mining and quarrying, air transport, and government services sectors. The economy of Montserrat is dominated by public sector-led investments and projects. The territorial Government continues to be committed to sustainable development, including identifying and encouraging revenue streams for development by the private sector, as well as to addressing cross-cutting issues such as disaster prevention and management.[17]

28. Volcanic activity and hurricane damage, the resultant movement of population and commercial centres and the attendant socio-economic difficulties continue to create tremendous difficulties for Montserrat. As spelled out in the previous section, budgetary aid from the United Kingdom, as well as other assistance, has been needed since 1995 to support Government programmes.[3] After months of closure, in August 2007, Old Towne has welcomed back residents and visitors to that historic section of Montserrat, reviving economic activity there.[18]

29. According to the administering Power, the economy has approximately 200 business establishments, large and small, in its private sector. Just over 25 per cent of business is involved with the provision of financial, professional, personal and other household services. Wholesale and retail trades and food preparation occupy second and third places, respectively. Retail outlets offer a wide range of foodstuffs and other consumer items. The construction of an industrial park was under way in 2007 to develop the Territory's manufacturing sector. The United States is the principal trading partner of Montserrat.[19]

30. In 2007, the Government of Trinidad and Tobago and the CARICOM Stabilization Fund allocated EC$ 500,000 towards the territorial Government programme that provides grants to small business owners; the grants are expected to improve operations, boost employment opportunities and encourage economic growth in Montserrat.[20]

B. Agriculture

31. The Montserrat Department of Agriculture is working to redevelop agriculture and the other natural resource sectors in the north, using traditional and emerging

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[16] Montserrat country profile, http://www.fco.gov.uk.

[17] Sustainable Development Plan, 2003-2007, www.devunit.gov.ms; Chief Minister, 2007 Budget Statement.

[18] www.caribbeannetnews.com, 13 September 2007.

[19] http://www.devunit.gov.ms.

[20] www.caribbeannetnews.com, 9 May 2007.

techniques and technologies, so as to satisfy local demand and to target specific markets for export of fresh commodities and value added products.[21]

32. As a result of the ongoing volcanic crisis, the majority of fertile agricultural lands, pasture and fishing areas are either restricted or inaccessible. According to the territorial Government, in May 2006, volcanic activity severely devastated the agricultural sector and the Territory's livestock. The estimated value of crop losses was EC$ 600,000. Approximately EC$ 70,000 was offered as cash relief by the territorial Government to affected farmers and backyard gardeners. During 2006-2007, two greenhouses were introduced and commissioned as training facilities for new farming technologies. In 2007, the Department of Agriculture continued to provide a variety of incentives to farmers and fishermen with an emphasis on capacity-building; putting in place supporting infrastructure such as feeder roads to Duck Pond, Blakes Mountain and the Silver Hills; as well as improving agricultural production and animal husbandry. The territorial Government has recognized the need to provide relief to farmers' livelihood being destroyed by severe volcanic ashing.[11]

C. Financial services

33. Two commercial entities, the Bank of Montserrat and the Royal Bank of Canada, and some offshore banks operate in Montserrat providing a range of banking facilities. There has been no activity for the past few years in regard to the incorporation of new banks. Montserrat is a member of the Eastern Caribbean Central Bank, which is based in the neighbouring island of St. Kitts and acts as central bank for Montserrat. Among other functions, the Bank monitors the commercial banks' reserves. Montserrat is part of the Eastern Caribbean Stock Exchange.[22]

34. Individual residents in the Territory are taxed on their worldwide income, from all sources. Also, tax is levied and collected on the chargeable income paid by any incorporated company, building society or body of persons, at the rate of 20 per cent. A surcharge of 50 per cent on every dollar of tax liability is imposed on non-individual taxpayers and to any individual who is not residing in Montserrat but is doing business there.

35. According to the Chief Minister, by the end of 2007 Montserrat had almost completed putting into place legislation that was expected to bring its financial services regime up to date with the international community. The Territory had used expert advice and shared resources, using legislation from CARICOM and other countries. In addition, Montserrat's draft constitution which was under discussion included a section on financial regulation; this was expected to provide all the necessary safeguards for the Territory's financial services sector.[8]

[21] www.malhe.gov.ms.

[22] http://www.devunit.gov.ms/banking.htm.

D. Tourism

36. The redevelopment of the tourism industry is a priority of the territorial Government.[23] Tourism to the island, whose features include the volcano, mountains, nature trails, dark sand beaches, and reefs, has suffered severe setbacks in recent years. Once the most significant contributor to the local economy, the tourism industry has been a major casualty of the island's volcanic activity. However, Montserrat is now trying to turn the fact that it has an active volcano into a selling point by promoting adventure tourism.[24]

37. Whereas the tourist sector in general performed poorly during 2006-2007 in terms of tourist arrivals and receipts, cruise ship and yacht passenger arrivals increased by 56.9 and 39.3 per cent, respectively, as a result of the visit of larger vessels.[25]

38. A ferry service operates twice daily six days a week. It takes about one hour to reach Antigua and Barbuda, where connecting flights to all parts of the world are available. A Government-owned regional airline, founded in 1961, provides daily flights between the Territory and Antigua or St. Maarten/St. Martin. There is also a helicopter service to the international airport of Antigua and Barbuda.[26]

E. Construction, housing and utilities

39. The construction sector, which is a major contributor to economic activity in Montserrat, shrunk by 5 per cent during 2006.[11] Two public sector projects, the housing development project in Look Out funded by the European Union and the public market in Little Bay (a four-phase project to be completed over a 10-year period with United Kingdom and European Union assistance), were under way at the beginning of 2008.[3,11]

40. The Vision 2010 Strategy for Housing developed in 2006 led during 2006-2007 to the establishment of a Housing Unit and a Housing and Land Allocation Committee. Its role is to advise the Executive Council concerning the allocation of houses built for the Look Out, Drummonds and Shinnlands housing projects, as well as vacant units registered under the territorial Government's housing stock. Moreover, a housing incentives programme offering financial assistance to individuals unable to secure mortgage financing was introduced during 2006-2007. During the same period, a National Emergency Response Resettlement Strategy was developed to respond to the volcanic threat to areas south of the Nantes River.[11]

41. The Little Bay seaport operates a temporary emergency jetty constructed in 1997 to handle rapid evacuation of the population. All cargo destined for the island is still required to pass through this small, temporary facility. Antigua and Barbuda and Montserrat are working together to establish permanent modern joint ferry

[23] www.devunit.gov.ms/tourism.

[24] Oxford Analytica, 13 December 2007, www.oxan.com.

[25] Chief Minister, 2007 Budget Statement; Economic and Financial Review, Eastern Caribbean Central Bank, June 2007.

[26] www.devunit.gov.ms/transcomms; www.fco.gov.uk; www.fly-winair.com.

docking facilities.[27] In 2008, a grant of over US$ 3 million was approved under the CARICOM Regional Development Fund supporting the development of a small-scale marina and seaside development at Little Bay.[28]

42. The Montserrat Electricity Services and the Montserrat Water Authority were brought together in 2007 as Montserrat Utilities Limited, which is responsible for the distribution of water and electricity throughout the inhabited portion of the island.[29] The entire population has access to Montserrat's plentiful supply of good potable water (about 98 per cent are linked). The Government continued to examine how the best use can be made of this valuable resource and to monitor rainfall across the island to gain a better understanding of the sustainability of local springs.[11]

43. With regard to the communications sector, Cable and Wireless, under licence, provides a modern telephone system comprising a wired capacity in excess of 2600 lines.[30] According to the administering Power, the licence expired in April 2007. The Government continues to aim for a degree of market liberalization, and negotiations are under way to push this forward. Electronic mail is widely used, making communications relatively easy. Asymmetric digital subscriber line is gradually being introduced. There is a regular mail service between Montserrat and all countries.[31]

VI. Social conditions

A. General

44. The volcanic crisis has had a profound effect on traditional social structures and support systems, with many families and communities split up and relocated in different parts of the world. According to the administering Power, a large percentage of Montserratians are struggling to get by. The Government has had to develop and fund substantial social welfare and social development services, including for the high number of vulnerable elderly people who remain on the island. The estimated expenditure for welfare and development services in 2006 was approximately EC$ 3.9 million.[11]

45. According to the territorial Government, social welfare financial assistance was provided to an average of 268 households and 303 individuals on- and off-island during 2006. An average of 95 households received rental assistance during 2006, mostly in Look Out. The entire programme cost approximately EC$ 2.5 million.[11]

46. In 2007, the Government launched the Montserrat Country Poverty Assessment exercise aimed at assessing the conditions affecting the welfare of the population and identifying policies, strategies and action plans that would help reduce poverty in the Territory, while enhancing its social development and the

[27] www.caribbeannetnews.com, 26 February 2007.
[28] Ibid., 5 March 2008.
[29] www.giu.gov.ms, 5 February 2008.
[30] www.devunit.gov.ms/transcomms.
[31] Information provided by the administering Power, 14 January 2008; Chief Minister, 2007 Budget Statement; caribbeannetnews.com, 16 March 2007.

quality of life. Under the theme "Is it poverty or hardship? Defining poverty in Montserrat", a workshop was held on 3 October 2007 in Little Bay, bringing together a wide cross-section of persons from the private sector, Government and community-based organizations.[32] Earlier in 2007, a new 700-seat state-of-the-art cultural centre was opened.[33]

B. Labour

47. According to the administering Power, the working population of Montserrat stands at about 2,000, estimated as comprising approximately 40 per cent nationals and 60 per cent non-nationals. Montserrat maintains a positive industrial relations climate, within which every effort is made to ensure that workers, unions, employees and other stakeholders in the economy work together to achieve national development goals. Labour relations are governed by the Employment Ordinance No. 19 of 1979, under which the Labour Department continues to provide conciliation services, with the Labour Tribunal settling disputes.[34]

48. The territorial Government indicated that in 2007 financial incentives were being offered to returning nationals who had resided elsewhere for three or more years and had decided to return to Montserrat to live. The Government said persons eligible under that policy would be granted duty and consumption tax reductions on all personal belongings and household items, as well as on one motor vehicle per family. It was also extending tax reductions to persons returning with items directly related to their business activities, including tools of trade and capital items such as equipment and appliances required for a start-up or business expansion.[35]

49. According to the territorial Government, there continues to be a shortage of skilled labour, a problem that is being addressed by the granting of work permits to non-nationals. The territorial Government facilitates the active recruiting of skilled labour, both professional and otherwise, to meet demand.[36]

C. Education

50. The Montserrat Department of Education is responsible for the development and provision of educational and training programmes intended to enable its citizens to acquire skills that can contribute positively to the future of the Territory.[37]

51. According to the administering Power, Montserrat has good educational infrastructure, with 100 per cent access to primary and secondary education. The Montserrat education system is broadly based on the British system. The Department of Education is structured into several specialized organizational segments throughout the various stages of education: Early Childhood Education, Primary Education, Secondary Education, Post-Secondary Education, Special Needs, Teacher Training, as well as Education Support Services. There are several

[32] www.themontserratreporter.com, 15 October 2007.
[33] www.caribbeannetnews.com, 15 May 2007.
[34] www.devunit.gov.ms/labour.
[35] www.caribbeannetnews.com, 19 May 2007.
[36] www.devunit.gov.ms/business.
[37] http://www.mehcs.gov.ms.

Government day-care facilities and nursery schools, and one privately owned early childhood facility. Of the three primary schools, one is privately owned. The Government-owned Montserrat Secondary School is the only secondary school. Education and related services accounted for 8 per cent of the recurrent 2007 budget estimates. The territorial Government continues to implement the Education Development Plan covering the period 2004-2009.[11]

D. Health

52. The Territory's Department of Health is responsible for providing primary and secondary health services to Montserrat, along with health-related policy advice to the territorial Government.[37]

53. According to the administering Power, Montserrat has modern health facilities, which include the 30-bed St. John's Hospital in the north, which is able to cover all routine health issues, X-rays and minor operations, as well as several primary care clinics. Facilities are in place for emergency medical evacuation to Antigua and Guadeloupe. During 2007, approximately 8 per cent of the recurrent budget and 9 per cent of the capital budget was allocated to that sector. The territorial Government continued to provide free dental clinical emergency services for school-age children, the elderly, pregnant women and certain Government staff.[11]

54. 2007 estimates put life expectancy in the Territory at 79 years for the whole population, approximately 77 years for males and 81 years for females.[38]

E. Human rights

55. Under the Territory's Constitution, provision is made regarding the fundamental rights and freedoms of the individual.[39] According to the administering Power,[5] the following international human rights instruments have been extended to Montserrat: the European Convention on Human Rights; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the International Convention on the Elimination of All Forms of Racial Discrimination. There have been few, if any, complaints of discrimination on the basis of race or religion. Equally, few problems of cultural relations exist, although inward and outward migration has had some impact on social conditions as increased diversity produces new challenges. There is no discrimination on the basis of sex in the implementation of articles 2 and 3 of the International Covenant on Civil and Political Rights.

56. Montserrat's human rights committee, established by the Executive Council, helps fulfil the territorial Government's responsibilities in meeting the reporting requirements under various international conventions; monitors the implementation of the relevant conventions; and advises the Government on matters related to human rights. According to the administering Power, Montserrat continues to make efforts to educate and improve awareness in the Territory on human rights issues.[3]

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[38] Central Intelligence Agency, *The World Factbook*, www.cia.gov.

[39] www.opsi.gov.uk.

F. Crime and public safety

57. In 2007, the territorial Government recognized an "upsurge in youth crime, violence and ill-discipline" and stated that education and training could help address that situation. For its part, the Police and Fire Department aimed at reducing crime through monitoring and enforcing drug trafficking offences; detecting money-laundering and financial fraud; improving border controls; enhancing road safety; and continuing community policing programmes. Moreover, in view of a long period of drought, enforcement officers were expected to be vigilant in ensuring that members of the public acted in a manner that would not lead to major fire hazards.[11]

58. In November 2004, a new prison facility was opened in Brades. According to the administering Power, at the end of December 2007, the total prison population was 12.[3] Under the Parole of Prisoners Act 2004, a Parole Board reviews cases for release into the community on licence, and makes recommendations to the Governor. Most criminal offences are dealt with under the Penal Code of Montserrat, revised in 2002.

59. The Royal Montserrat Police Force has a fully functioning police headquarters within the Government headquarters complex at Brades, as well as two substations and a marine unit.[40]

VII. Relations with international organizations and partners

60. Montserrat is an associate member of the Economic Commission for Latin America and the Caribbean and its subsidiary bodies. The Territory receives some support from the United Nations Development Programme.

61. Montserrat is a member of CARICOM and OECS, as well as of the institutions associated with those organizations, including the University of the West Indies, the Caribbean Development Bank and the Eastern Caribbean Central Bank Union. According to the administering Power, Montserrat has expressed a desire to participate in the CARICOM Single Market and Economy.[3]

62. As a Non-Self-Governing Territory of the United Kingdom, Montserrat is associated with the European Union but is not a part of it. According to information provided by the administering Power, Montserrat is considering joining the Caribbean Economic Partnership Agreement, which is a trade agreement recently negotiated between CARICOM and the European Union.[3]

63. At the Overseas Territories Consultative Council meeting held in London on 4 and 5 December 2007, the United Kingdom and the Overseas Territories represented at the Council, including Montserrat, agreed to extend the United Nations Convention Against Corruption, to all the Overseas Territories at the earliest opportunity, as well as setting a date of June 2008 for the extension of the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182), and December 2008 for the extension of the Convention on the Elimination of all Forms of Discrimination against Women, to all the Overseas Territories.[5]

[40] gov.ms/ministries/police.htm.

VIII. Future status of the Territory

A. Position of the territorial Government

64. The position of the Government of Montserrat on constitutional reform is set out in section II above, which deals with the ongoing constitutional negotiations between Montserrat and the Government of the United Kingdom.

B. Position of the administering Power

65. In a statement made on 11 October 2007, at the 5th meeting of the Special Political and Decolonization Committee (Fourth Committee), during the sixty-second session of the General Assembly (see A/C.4/62/SR.5), the representative of the United Kingdom inter alia said that "her Government, as administering Power for 10 Non-Self-Governing Territories, gave every help and encouragement to those Territories which wished to proceed to independence, where that was an option. Her Government and its overseas territories continued to work towards the shared goals of security, stability and sustainable political and economic development, democracy, good governance and the rule of law ... Her Government carefully considered all proposals for constitutional change received from the Territories".

66. As was previously reported (see A/AC.109/2007/3), in a statement made on 24 April 2006, the United Kingdom Overseas Territories Minister took stock of the relationship between the United Kingdom and the Overseas Territories seven years on from the 1999 White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories".[41] An elaboration of the United Kingdom's position on alternative forms of relationship, as set out in General Assembly resolution 1541 (XV), has been previously provided (ibid.).

C. Action taken by the General Assembly

67. On 17 December 2007, the General Assembly adopted, without a vote, resolutions 62/118 A and B, based on the report of the Special Committee transmitted to the General Assembly[42] and its subsequent consideration by the Special Political and Decolonization Committee (Fourth Committee) (A/62/412). Section VII of resolution 62/118 B concerns Montserrat. Under that section's operative paragraphs, the General Assembly:

> 1. *Welcomes* the intention of the territorial Government to negotiate improvements to the present Constitution so as to preserve its ability to move towards greater self-determination at a later stage, and to publish and discuss publicly the Constitution when a final draft, which was expected in the first quarter of 2007, is ready;
>
> 2. *Requests* the administering Power to assist the Territory in facilitating its work concerning public outreach efforts, consistent with

[41] "Partnership for Progress and Prosperity: Britain and the Overseas Territories", White Paper submitted to the House of Commons on 17 March 1999, by the United Kingdom Secretary of State for Foreign and Commonwealth Affairs; reproduced in A/AC.109/1999/1, annex.

[42] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 23* (A/62/23).

Article 73 *b* of the Charter of the United Nations, and calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested, in the context of its public outreach efforts;

3. *Calls upon* the administering Power, the specialized agencies and other organizations of the United Nations system, as well as regional and other organizations, to continue to provide assistance to the Territory in alleviating the consequences of the volcanic eruption.